



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Leimana DaMate
AMAC Executive Director

Before the Senate Committee on Water and Land

Friday, March 27, 2015
10:30 A.M.
State Capitol, Conference Room 325

**In SUPPORT
HCR 4**

Authorizing the issuance of a term lease and non-exclusive easement for the tide pool stairs encroachment purposes in the Manele-Hulopoe Marine Life Conservation District on the Island of Lana'i.

HCR 4 sanctions the Board of Land and Natural Resources (BLNR) to authorize the issuance of a term lease and non-exclusive easement for the tide pool stairs encroachment purposes in the Manele-Hulopoe Marine Life Conservation District on the Island of Lana'i.

More commonly known as the "Keiki Pond" located on the lava shelf on eastern cliffs of Hulopo'e, the popular pond was created by dynamite blasted tidal pools in Hulopo'e Bay and built by HAPCo employees during the pineapple strike in 1951. The original steps became a safety hazard and the improved steps installed to maintain what would be a customary access.

In June 2014, the Aha Moku of Lana'i supported Pulama Lana'i in their request before the Board of Land and Natural Resources (BLNR) for a 55-year term, non-exclusive easement for the tide pool stairs encroachment purposes. However, the BLNR request requires the approval of the Governor and prior authorization of the Legislature by concurrent resolution for the leasing of state submerged lands and lands below tidal waters.

The Keiki Pond is considered a historic site by the people of Lana'i is frequently used by the residents and must be accessed by the tide pool stairs. We ask that you protect this area that is so loved by the people of Lana'i. We support the Grant of Term, Non-Exclusive Easement Resolution for the Tide Pool Stairs Encroachment Purposes and ask that it be approved by this committee.



Testimony for
Committee on Water & Land
Committee on Ocean, Marine Resources, & Hawaiian Affairs
Friday, March 27, 2015, 10:30 a.m., Room 325

Representative Ryan I. Yamane, Chair
Representative Ty J.K. Cullen, Vice Chair

Representative Kaniela Ing, Chair
Representative Nicole E. Lowen, Vice Chair

HCR 4 AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE EASEMENT FOR THE TIDE POOL STAIRS ENCROACHMENT PURPOSES IN THE MANELE-HUILOPOE MARINE LIFE CONSERVATION DISTRICT, ON THE ISLAND OF LĀNAʻI

Dear Chairs Yamane and Ing, and Members of the Committees:

This letter is in **STRONG SUPPORT** of HCR 4 which authorizes a 55 year term lease and non-exclusive easement for the Tide Pool Stairs (Kiddie Stairs) on Lānaʻi. The Kiddie Stairs were constructed during the ILWU pineapple strike of 1951 for use by Lānaʻi's children to go down to the safe ocean tide pool area. I am Lynn McCrory, Senior Vice President of Government Affairs for Pūlama lanai. Pūlama Lānaʻi is the entity that has been set up to manage the assets and to work with the community and government as we move the island of Lānaʻi toward sustainability.

The kiddie stairs were reconstructed in 2006 and a hand rail was added for additional safety. As the entire stairs were reconstructed, we asked the Office of Conservation and Coastal Lands (OCCL) to confirm if the new stairs would qualify as a non-conforming use. They did and no further permits were required. Our options were to remove the kiddie stairs or apply for the easement. Pūlama Lānaʻi prefers to retain the kiddie stairs because of their historical significance and for the safety of our children. We held a community meeting on this subject and the community submitted testimony in support of the easement to the Board of Land and Natural Resources.

All documents have been submitted to the Land Division to finalize the easement. As we do not have at this time confirmation from the State Surveyor that the square footages listed in the resolution are correct, we ask that you amend the Resolution as follows:

- Second WHEREAS, "...island of Lānaʻi, occupy approximately 25 square feet, more or less, subject to confirmation by the Department of Accounting and General Services, seaward of parcel 002..."
- First BE IT RESOLVED, "...non-exclusive easement for approximately 25 square feet, subject to confirmation by the Department of Accounting and General Services, seaward of parcel 002..."

We humbly ask that you support HCR 4 with the amendment shown above. Mahalo!

Me ke aloha pumehana
With warm aloha,

Lynn P. McCrory
Senior Vice President of Government Affairs